

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
August 13, 2018**

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, August 13, 2018 at 6:30 p.m. with Mayor Jeff Grove presiding with proper notice being duly and continuously posted.

The meeting was called to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present- Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

Absent: None

A quorum was present.

APPROVAL OF MINUTES

Moved by Alderman Demes and seconded by Alderman Reynolds that the minutes of the Regular City Council meeting and Public Hearing held on Monday, July 30, 2018 are accepted and placed on file. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

PETITIONS

Moved by Alderman Duncan and seconded by Alderman Schneider to allow Luke Tomsha of the Perfectly Flawed Foundation to address the council.

Voice vote, all ayes. Motion carried.

Mr. Tomsha thanked the Mayor and Council for the assistance the City provided with the Foundation's Earth Day event. Mr. Tomsha informed the council that in recognition of Overdose Awareness Month, several events are being held in the surrounding areas, including several walks, a golf outing, a 5K run and a candlelight vigil to pay tribute to those lost to the crisis. Mr. Tomsha added that on August 31, 2018, there will be a Nalaxone training at the Perfectly Flawed office at 240 First Street from 5-7 p.m. In addition, Mr. Tomsha announced that the Perfectly Flawed Foundation will launch its Community Partners Program in September. The Foundation has partnered with various organizations to provide \$250 scholarships for various activities to assist children being raised by grandparents or other guardians due to the loss of a parent to overdose. Lastly, Mr. Tomsha announced that the Foundation is sponsoring a Community Forum at Stage 212 on September 12, 2018 from 2-4:30 p.m. A panel of speakers from Dixon and Lake County will present information and answer questions. The goal of the Forum is to learn unique approaches to addressing the opioid crisis in our area.

Moved by Alderman Herndon and seconded by Alderman Reynolds to grant the request of Erin Picton on behalf of La Salle Cub Scout Pack #3703 for permission to sell popcorn door-to-door in La Salle neighborhoods and at La Salle businesses on 9/15, 9/22, 9/29, 10/6, 10/13 and 10/20, 2018. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Duncan and seconded by Alderman Schneider to grant the request of Pam Paden on behalf of the LP Band Parents Association for permission to conduct its annual door-

to-door candy sale on Tuesday, September 4 and Thursday, September 6, 2018 from 5-8 p.m. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Schneider and seconded by Alderman Herndon to grant the request from Ameren Illinois to break ground at 371 Carlene Drive to install new gas service. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

REPORTS OF CITY OFFICERS

Moved by Alderman Bacidore and seconded by Alderman Reynolds to accept and place on file the Building Inspector's Report for July 2018 showing total fees collected of \$2,435.64 with total value of construction of \$461,490. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

COMMUNICATIONS

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept and place on file the Illinois Department of Revenue Report showing sales tax collected for May 2018 of \$87,883.46 and referendum approved sales tax of \$38,783.41 for a total of \$126,666.87. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

APPOINTMENTS/RESIGNATIONS

Moved by Alderman Lavieri and seconded by Alderman Duncan to accept the resignation of Jeff Leszczynski from the Park Board and appoint to Brian Inman to the Park Board to 2021.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: Absent: None Abstain: None

Motion Carried 8-0

Mayor Grove thanked Jeff Leszczynski for his years of service to the Park Board. Mayor Grove stated that Jeff was instrumental in the development of Rotary Park and stated that Jeff felt his job was complete when he saw the installation of the baseball field lighting. Mayor Grove said that he is very excited to have Brian Inman join the Park Board.

OLD BUSINESS

Alderman Duncan indicated that he, the Mayor and Finance Director Duncan met with representatives of Republic Services regarding plans to improve service. Alderman Duncan indicated that the company is taking steps to improve service and requested thirty more days before developing some type of measureable standards checklist. Alderman Duncan stated that he believed they took the City's complaints seriously. The company did bring up the prospect of utilizing the garbage totes. Alderman Duncan stated that the company was told that the totes can be discussed once service issues are corrected. He added that Republic drivers have the ability to take time stamped photos. This will assist with identifying homes that do not have their garbage out prior to the 6 a.m. deadline and those residences with garbage over the limit. The Mayor reminded the public that garbage can be put out after 5 p.m. the night before pick-up and must be out before 6 a.m. the day of pick-up. Residents have a 2-32 gallon can limit and are allowed one large item per week.

Alderman Demes stated about a year ago, the City offered free dog/cat tags for a period of time as a way to encourage residents to register their pets. With recent events where an

unregistered dog attacked another dog, Alderman Demes would like the council to have further discussion concerning existing ordinances regarding this matter. Alderman Demes made several suggestions which included increasing the fines for violations from a minimum of \$50 up to a maximum of \$750 to a minimum of \$250 with a maximum of \$1,250. He stated he thinks the registration fee can remain at \$5.00 per animal and \$25 for dangerous dogs. In addition, if an unregistered dog/cat gets loose, he would like the animal impounded for three days at a veterinarian clinic, so the vet can check if the animal has its shots and allowing the owner time to register the dog or cat. The owner would be responsible for all associated fees.

Attorney McPhedran stated we can add this to the next agenda. Attorney McPhedran stated that our City has a dangerous dog ordinance which assisted the Chief of Police in his negotiations on the recent matter. Attorney McPhedran will check if municipalities can implement fines above \$750. He also indicated that the fine of up to \$750 can be applied for each violation of a given ordinance. From the city's standpoint we do have certain rights, but certain things are limited and require the County and Animal Control to be involved.

Chief Uranich stated that these are good ideas, but putting this into practice is not as easy. He stated that the reality of impounding a dog is not simple. The City has to have a veterinary clinic willing to impound a dog for three days. Chief Uranich stated that his department receives loose dog calls every day, so it would be almost impossible to impound dogs every day. In most situations, the department is able to track down the owner and they are given so much time to get the dog registered. Chief stated that his guess is 80% of dogs are not registered which is no different than most towns. Alderman Demes stated that is his reasoning behind raising the fines. He thinks that will encourage residents to register their dogs. Alderman Reynold expressed his frustration with people who choose to have pets, but do not take care of them.

Mayor Grove thanked Chief Uranich for his handling of the recent situation with the pit bull attack on another dog.

Alderman Schneider informed the council that progress on the Maytag Building will be beginning soon.

NEW BUSINESS

Alderman Ptak stated that Finance Committee met and was presented information regarding this purchase. He stated that this a valuable piece of equipment that is used every day and it will be paid in full out of the Sewer Fund. Attorney McPhedran confirmed that there will be no financing on this purchase.

Moved by Alderman Ptak and seconded by Alderman Reynolds to approve the purchase of a Combination Sewer Cleaner and Vacuum Truck from Standard Equipment Company totaling \$403,358. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: Absent: None Abstain: None

Motion Carried 8-0

ORDINANCES/RESOLUTIONS

Prior to the vote, Mayor Grove asked the council if they would be open to making the alley southbound only from Oak Road to 11th and leaving it two way north from Oak Road to Lindberg. Alderman Duncan stated that it makes sense as it may further reduce traffic for those residents who had concerns about traffic. Attorney McPhedran stated that if the council is considering this, no action should be taken tonight. It should be referred to the Streets, Alleys and Traffic Committee so that the public has an opportunity to comment. He stated that if the council chooses to pass the current ordinance, it can be amended at a later time. It was decided to go with the motion as it stands, and evaluate the situation at a later time. Chief Uranich suggested that the council may also want to consider at some point making Oak Road from the alley to Marquette Street one-way west. He stated that there is a fence on the southeast corner of the Grant property that makes it virtually impossible for a car going eastbound and one going southbound to see each other.

Moved by Alderman Bacidore and seconded by Alderman Reynolds to pass and place on file **Ordinance 2747: An Ordinance Further Regulating Traffic within the City of La Salle and related matters.**

(Stop Sign on Oak Road (alleyway) and Marquette Street and regulating one-way traffic northbound/southbound within the alleyway between St. Vincent and Marquette that runs north and south from Lindberg on the north to 11th Street on the south, as well as the installation of speed bumps in the north/south alleyway south of the "Oak Road") Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2747: An Ordinance Further Regulating Traffic within the City of La Salle and related matters.

(Stop Sign on Oak Road (alleyway) and Marquette Street and regulating one-way traffic northbound/southbound within the alleyway between St. Vincent and Marquette that runs north and south from Lindberg on the north to 11th Street on the south, as well as the installation of speed bumps in the north/south alleyway south of the "Oak Road")

Moved by Alderman Reynolds and seconded by Alderman Schneider to pass and place on file **Ordinance 2748: An Ordinance Amending Title III, Chapter 30, Section 30.02 of the City Code Regarding the Scheduling of City Council Meetings and Related matters.** Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2748: An Ordinance Amending Title III, Chapter 30, Section 30.02 of the City Code Regarding the Scheduling of City Council Meetings

Prior to the vote, Alderman Duncan stated that because he has as small minority interest in La Salle State bank and is also a director so will refrain from any discussion or vote.

Attorney McPhedran then read a prepared statement. (Exhibit #1)

Moved by Alderman Schneider and seconded by Alderman Herndon to pass and place on file **Ordinance 2749: An Ordinance Repealing Ordinance Number 2690 and Also Reauthorizing Acquisition of Police Cars and Related Financing Matters.** Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: Absent: None Abstain: Alderman Duncan

Motion Carried 7-0

**Ordinance 2749: An Ordinance
Repealing Ordinance Number
2690 and Also Reauthorizing
Acquisition of Police Cars**

COMMENTS

Resident Brandon Pohar expressed concerns about the alley between 8th and 9th, Wright and Gooding Streets. He stated that he has lived in his home for ten years and has concerns about the condition of the alley. He asked that council if it was possible to have the alley repaired. He stated the City has patched the alley in the past, but it washes out quickly and has not had asphalt for 36 years. The City Engineer stated there is about a two block stretch of the alley that is in bad shape. Mayor Grove thanked Mr. Pohar for coming before the council. He stated that we have many alleys that are in bad shape and unfortunately repairs are more labor intensive which increases cost. Brief discussion followed. Alderman Demes asked if he would be agreeable to having it patched for now and then it will be added to the list for the spring. Mr. Pohar stated that he was not expecting that it would be done tomorrow, but would like it addressed in the near future.

Hazel Conrad, resident of 828 Wright Street, stated that there is an area in the alley where she noticed water bubbling up so she put some concrete in it. City Engineer Brown stated that he will take a look at this. In addition she explained that Ameren installed a new power pole in the alley about five years ago, but they have not removed the old pole. The resident indicated that she was told it could not be removed until the cable and phone companies transferred their lines to the new pole. The City Engineer stated that he would contact the utility companies.

Alderman Ptak asked the City Engineer what the cost of gravel is. Mr. Brown stated that it is about a quarter of the cost of asphalt, but gravel does not have the longevity of asphalt. It needs to be replaced every two years. Alderman Bacidore asked if oil and chip is an option. Mr. Brown said it can last 2-7 years, but works better in areas where there is sun and a lot of traffic. He stated that he has considered this, but is not sure it is the best option. He will look at all options to address Mr. Pohar's concerns.

Mayor Grove expressed condolences to Alderman Reynolds on the loss of his son.

Mayor Grove stated that the pool will remain open through Labor Day.

There were no further comments from the public. Attorney McPhedran asked the Mayor to confirm that the council would not be entering Executive Session this evening. Mayor Grove explained that the council had planned to enter Executive Session to review and potentially release minutes from past Executive Sessions, but we are still in the process of review, but hope to address this at the next meeting.

APPROVAL OF BILLS

Moved by Alderman Ptak and seconded by Alderman Lavieri that bills submitted totaling \$823,170.50 (Total Payroll \$179,515.84, Bills to be Paid from \$201,459.55, Total Bills Paid \$442,195.11) be accepted, paid and placed on file. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Duncan, Herndon, Schneider

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Moved by Alderman Reynolds and seconded by Alderman Herndon to adjourn the meeting.
Voice vote. all ayes. Motion is carried.

ADJOURNED 7:19 p.m.



Carrie Brown, City Clerk

It was brought to the attention of the City as the result of retrieving information requested by Attorney Julie Ajster in regard to a Freedom of Information Act request that there could be issues raised in regard to an ordinance passed regarding financing on a loan from the LaSalle State Bank and the circumstances therein regarding Alderman John Duncan's vote. The specific FOIA of Ms. Ajster focused on three current loans with the LaSalle State Bank. On two loans that were involved in the FOIA, Alderman Duncan had abstained at the time of the vote.

In regard to the 2017 squad car ordinance involving the loan from the LaSalle State Bank, Alderman Duncan voted "aye". In regard to that loan, our office as City Attorneys review of certain circumstances included that Chief Uranich procured quotes or bids from three banks located within the City of LaSalle, being the Hometown National Bank, the LaSalle State Bank and the Eureka Savings Bank. For the year 2017 squad car acquisition, Eureka was at 3%, Hometown was at 2.25% and LaSalle State had the lowest proposed interest rate of 2.07%. Chief Uranich advised me that he secured these quotes personally and that neither Alderman Duncan nor his son, Finance Director John Duncan had any involvement in the procuring of these quotes. At the time, based upon the information obtained in the quotes or bids, Chief Uranich recommended to the City Council that the LaSalle State Bank as the lowest bidder that year be the entity from whom financing would be obtained.

In regard to the vote on this ordinance number 2690 in regard to that acquisition and loan, all Aldermen were present. The vote was unanimous (8-0). Alderman Duncan had been the sixth person in line to vote. Five Aldermen had voted "aye" before Alderman Duncan also voted "aye". After Alderman Duncan voted, Alderman Herndon who had made the motion to pass the ordinance, also voted "aye" as did Alderman Schneider after Alderman Herndon.

In conferring further with Alderman Duncan, it is my understanding that he does have a stockholders interest in the LaSalle State Bank of less than 7½%, further, it is my understanding based upon my discussion with Alderman Duncan that his "aye" vote on this loan was a mistaken and inadvertent vote (instead of an abstention) on a matter that he perceived both as routine and having no controversy. I personally do not ever recall there being a "nay" vote in regard to the acquisition of squad cars. If Alderman Duncan was thinking about it and focusing upon his vote at the time he made the vote, which I surmise he probably was not thinking or focusing upon it, a reasonable person in my opinion would believe that with five persons voting "aye" before it got to him, and with Alderman Herndon, who made the motion to pass the ordinance coming behind him, I believe a reasonable person would believe in these circumstances that the ordinance was going to pass regardless of what that Alderman, in this case Alderman Duncan's, vote would be on the ordinance.

However, in researching the law further, it has come to our attention that with a conflict of this nature, even though Alderman Duncan's vote was not needed to have the votes needed to pass the Ordinance with the vote having been 8-0, the transaction and ordinance could still be called into question, which I was not aware of. Thus, in order to protect the integrity of this outstanding loan and transaction, it is the recommendation of our office, Anthony C. Raccuglia & Associates, P.C., as City Attorneys that the City of LaSalle consider enacting this proposed ordinance which is on the agenda this evening repealing Ordinance 2690 and at the same time reauthorizing the acquisition of the squad cars and the same loan with the LaSalle State Bank.

I have also received confirmation from President Jeff Ellis of the LaSalle State Bank that this process would be acceptable to the Bank in continuing to keep the loan in place so that the process in regard to the acquisition and financing of the squad car can be completed.